

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, STATE OF
NEW YORK *ex rel.* CLIFFORD WEINER

Plaintiffs,

-against-

SIEMENS AG, *et al.*

Defendants.

Case No.: 1:12-cv-01466-ALC

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, any reply papers filed in support, and all prior pleadings and proceedings herein, Defendants Siemens Corporation, Siemens Industry, Inc., and Siemens Electrical, LLC, f/k/a Schlesinger-Siemens Electrical, LLC (collectively, the “Siemens Defendants”), respectfully move this Court, before the Honorable Andrew L. Carter Jr., United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an Order pursuant to Rules 4(m), 12(b)(2), 12(b)(5) and 41(b) of the Federal Rules of Civil Procedure dismissing with prejudice all claims in the above-captioned *qui tam* action, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the prior direction of the Court, response papers, if any, shall be served and filed on or before December 8, 2020 and reply papers, if any, shall be served and filed on or before December 22, 2020.

PLEASE TAKE FURTHER NOTICE that the Siemens Defendants respectfully request that the Court hear oral argument as it may assist the Court, on a date and at a time designated by the Court.

Dated: November 4, 2020
New York, New York

Respectfully submitted,

BINDER & SCHWARTZ LLP

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